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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,692	01/25/2002	Larrie A. Deardurff	100110418-1	8886

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06/18/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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Fort Collins, CO 80527-2400

EXAMINER

KLEMANSKI, HELENE G

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 06/18/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,692

Applicant(s)

DEARDURFF, LARRIE A.

Examiner

Helene Klemanski

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 9-24 and 29-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8 and 25-28, drawn to a magenta ink composition and a method of printing the ink composition, classified in class 106, subclass 31.49.
 - II. Claims 9-14, 29 and 30, drawn to a magenta ink composition and a method of printing the ink composition, classified in class 106, subclass 31.49.
 - III. Claims 15-19 and 31, drawn to a magenta ink composition and a method of printing the ink composition, classified in class 106, subclass 31.47.
 - IV. Claims 20-24 and 32, drawn to a magenta ink composition and a method of printing the ink composition, classified in class 106, subclass 31.48.
 - V. Claims 33-39, drawn to a method of stabilizing chromophore dyes containing imino groups, classified in class 548, subclass 373.1+.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I - V are unrelated to each other. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions of Groups I-IV are all ink compositions each containing a different dye component that are unrelated to each other and Group V is unrelated to the ink compositions since it is a method of stabilizing a chromophore dye.

Art Unit: 1755

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. W. Bradley Haymond on April 28, 2003 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-8 and 25-28. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-24 and 29-39 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

DETAILED ACTION

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: no literal antecedent basis is seen for the phrases:

(1) "wherein said magenta ink comprises from about 0.5 to about 6 wt% dye" in claim 5 and (2) "wherein said magenta ink comprises from about 0.5 to about 4 wt% dye" in claim 6. Applicants disclose on page 24, lines 8-10 of the specification that the magenta ink comprises from about 0.1 to about 5 wt% dye.

The examiner suggests the incorporation of this phrase into the specification or the claims amended accordingly.

Claim Rejections - 35 USC § 103

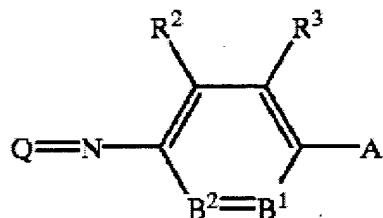
Art Unit: 1755

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

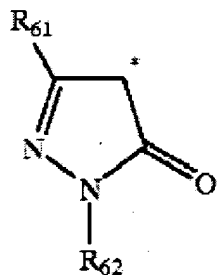
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizuka.

Ishizuka teach an ink jet ink composition comprising a colored particulate dispersion formed by dispersing colored particulates containing an oil soluble dye of the formula



wherein A represents $-NR^4R^5$; R^4 and R^5 represent a substituted or unsubstituted alkyl group; B^1 represents $=C(R^6)$; B^2 represents $-C(R^7)=$; R^2 , R^3 , R^6 and R^7 represent H or an alkyl and Q represents the formula



wherein R_{61} represents an amino group and R_{62} represents an aryl group and a block copolymer in a water based medium. The ink may further contain additives such as

Art Unit: 1755

anti-fungal agents, pH-adjusting agents, surfactants, chelating agents etc. See para. 0002, paras. 0014-0015, paras. 0031-0033, paras. 0035-0041, para. 0046, paras. 0128-0130, paras. 0147-0148, examples 2 and 3, para 0239-dye compounds MM-2 and MM-3 and claims 2, 3 and 5. Ishizuka fails to specifically exemplify the use of the specific magenta dye as claimed by applicants.

Therefore, it would have been obvious to one having ordinary skill in the art to use the specific pyrazolone azomethine magenta dye of the formula as claimed by applicants as Ishizuka also discloses the use of these pyrazolone azomethine magenta dyes but fails to show an example incorporating them.

The only limitation in the claims not found by the examiner is the visible light absorbance of the dye. However, this limitation is considered inherent because there does not appear to be any reason why the cited reference would not contain a pyrazolone azomethine magenta dye with applicants claimed visible light absorbance of the dye since Ishizuka teaches the use of the pyrazolone azomethine magenta dye of the formula as claimed by applicants.

Conclusion

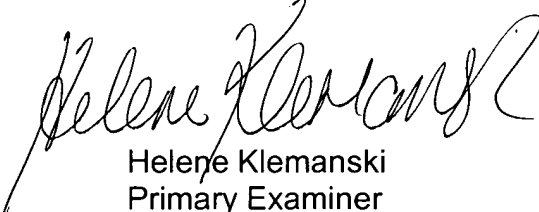
The remaining references listed on forms 892 and 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the above rejections.

Art Unit: 1755


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is 703-308-3745. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on 703-308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Helene Klemanski
Primary Examiner
Art Unit 1755



HK
June 16, 2003